



FREDERICK COUNTY PLANNING COMMISSION

October 14, 2020

TITLE: **Edenton**

FILE NUMBER: **SP86-20 AP SP260140, A260139,
F260134**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan approval for the construction of a 29,145 sq. ft. Assisted Living Facility located on a 2.00 acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Approximately 415 ft. northeast of the intersection of Ballenger Creek Pike and Crestwood Boulevard
MAP/PARCEL: Tax Map 77, Parcel 269
COMP. PLAN: High Density Residential
ZONING: R16 – High Density Residential
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Ballenger Edenton, LLC
OWNER: Frederick County Government
ENGINEER: Harris, Smariga & Associates
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1 – Site Plan Rendering
Exhibit #2 – Modification Letter
Exhibit #3 – APFO Letter of Understanding

STAFF REPORT

ISSUE

Development Request

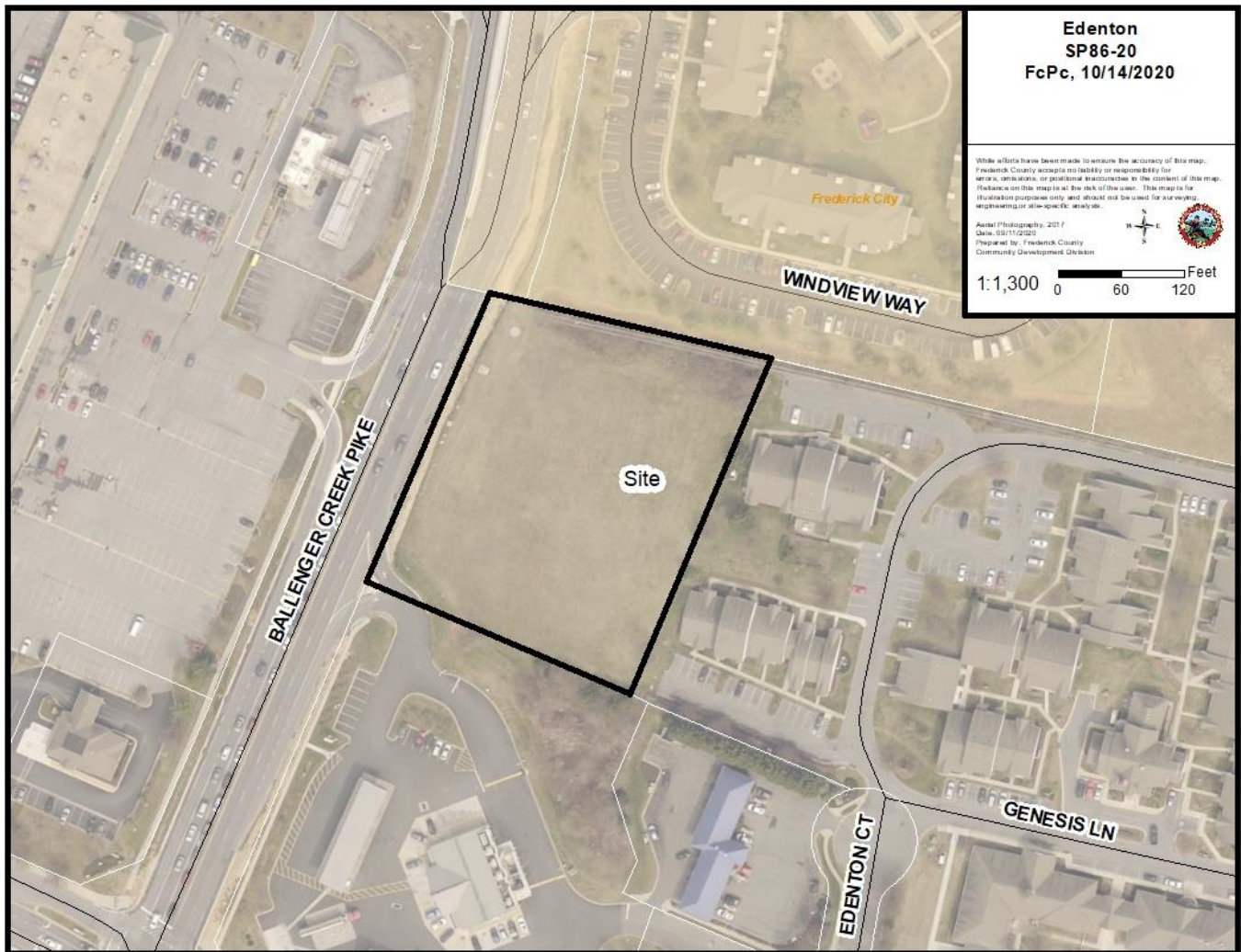
The Applicant is requesting Site Development Plan approval for the construction of a 29,145 sq. ft. assisted living facility located on the 2.00 acre Site. The proposed use being reviewed is “**Assisted Living**” under the heading of **Institutional** per § 1-19-5.310 of the Zoning Ordinance and is a permitted use subject to Site Development Plan approval.

BACKGROUND

Development History

The Site was part of the larger Farmbrook Subdivision recorded in 1986 and has remained vacant. The Edenton Retirement Community development that is adjacent to the Site was completed in three phases (1, 2A, and 2B) starting in 1986. A total of 144 units were constructed (91 units for Phase 1, 30 units for Phase 2A, and 23 units for Phase 2B). This property is currently owned by Frederick County Government but will be transferred to Edenton. See Graphic #1 below.

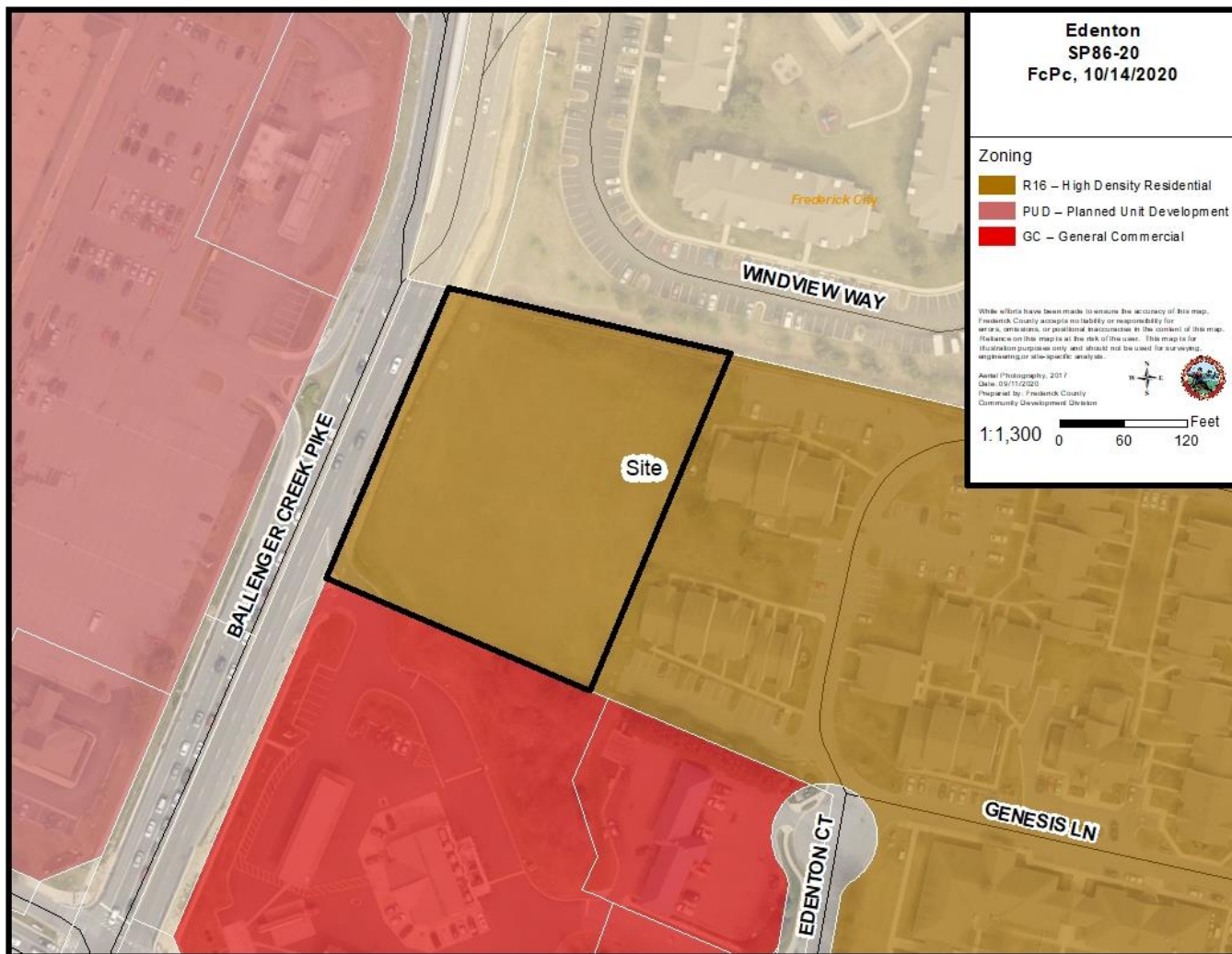
Graphic #1: Aerial



Existing Site Characteristics

The Site is zoned R16, High Density Residential with a County Comprehensive Plan land use designation of High Density Residential. The Site sits north of a gas station (zoned GC), east of the Ballenger Creek Plaza (zoned PUD), south of a multi-family complex within the Frederick city limits, and west of the Edenton Retirement Community (zoned R16). See Graphic #2 below.

Graphic #2: Zoning



ANALYSIS

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of Chapter 1-19 (Zoning) of the Frederick County Ordinance (the “Ordinance”).

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards § 1-19-6.100 & 1-19-8.480:

The design requirements for Assisted Living facilities are established in the R-16 Design Requirements. The requirements are as follows: Front Yard – 40 ft., Side Yard – equal to the height of the structure (25 ft. proposed), Rear Yard – equal to the height of the structure (25 ft. proposed). There is no minimum lot area and the minimum lot width is 100 ft. The maximum height permitted for proposed structures is 100ft., and a 25 ft. height is proposed. The proposed development meets all dimensional lot and building height requirements.

2. Signage §1-19-6.320: One freestanding sign is being proposed at the southern driveway. The total amount of building frontage facing a public street is $(10)(\sqrt{F})$, where $F = 210$ feet along Ballenger Creek Pike. Therefore, the total allowable square footage signage is $(10)(\sqrt{210})$, or 145 sq. ft. The proposed sign is 56.25 sq. ft. and meets the zoning requirements.

3. Landscaping §1-19-6.400:

- **Street Trees §1-19-6.400(A):** The Ordinance requires 1 street tree per 35 linear feet of road frontage, therefore requiring 9 street trees ($297 / 35 = 8.48$) along Ballenger Creek Pike. The Applicant is providing 9 street trees.
- **Land Use Buffering and Screening §1-19-6.400(B):** The Ordinance states “All other uses: buffering and screening for all other land uses shall be determined by the Planning Commission.” The Site sits between a commercial use and a multi-family use. Landscaping is being proposed along the southern and northern property boundaries for screening and buffering.
- **Parking Area Buffering and Screening §1-19-6.400(C):** The parking areas are not adjacent to the public roadway but are screened by proposed landscaping.
- **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy or 2,202 sq. ft. over the parking area with shrubs within the planting area. The Applicant is providing 2,271 sq. ft.
- **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes native species and no invasive/exotic species are specified.

4. Lighting §1-19-6.500: There will be 6 building mounted and 2 parking area pole mounted lights around the Site. The proposed fixtures are 14 ft. for both building mounted and pole mounted lights. The fixtures will be cut-off, directed downward, and will not exceed 0.5 footcandles at the property line.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The Site does not have driveway access to any public street. The Site is accessed by connections to parking lots of the Edenton Retirement Community. To enter the Site, Crestwood Boulevard to Edenton Drive and Genesis Lane. The recorded plan for this Site (S-832) notes that access is denied to both Ballenger Creek Pike and Crestwood Boulevard.
2. **Connectivity §1-19-6.220(F):** The Site is adjacent to Edenton Retirement Community. The two parking lots extending west of Genesis Lane provide this Site access, providing connectivity between the two lots.
3. **Public Transit:** This Site is served by public Transit. The #10 Mall to Mall Connector has a stop located at the intersection of Crestwood and Ballenger Creek, approximately 450 feet from the Site.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**
The Ordinance requires Assisted Living uses to provide 1 space per 3 units, therefore 32 units / 3 = 11 spaces. The Applicant is proposing 23 spaces with 9 spaces being dedicated to employees.

Modification: A parking modification to provide 12 parking spaces in addition to the required 11 parking spaces, totaling 23 parking spaces.

Loading Spaces:

There are no loading spaces required for the assisted living facility. However, the Applicant notes that deliveries will be handled in the drop area in the front of the building. A small box truck that will not be larger than a WB-50 will be anticipated to make deliveries during off hours.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** A sidewalk exists along Ballenger Creek Pike. Additional pedestrian connections are being proposed from both parking areas to the existing sidewalk network within the Edenton Retirement Community.
6. **Bicycle Parking §1-19-6.220 (H):** Although there are no specific requirements for an Assisted Living use, the closest use is Multi-family which requires 3 bicycle racks (1 rack per 10 units = 32 units / 10 = 3.2). The Site is adjacent to bike lanes and trails, which can be utilized by employees and visitors. Therefore three bicycles racks are being provided.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

Private Well and Septic: The Site is served by a public water and sewer system.

Natural features §1-19-3.300.4 (D): *Natural features of the Site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The existing Site is relatively flat.
2. **Vegetation:** There are existing trees lined along the northern boundaries of the Site.
3. **Sensitive Resources:** There are no sensitive slopes or habitats of threatened or endangered species on this Site.
4. **Natural Hazards:** There are not floodplains, wetlands, or wet soils indicated on the Site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** There are no required public common areas associated with this development.
2. **Ownership:** The Site is owned by the County but is under contract to be purchased by Ballenger Edenton LLC.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: The stormwater management will be approved in accordance with the Maryland Stormwater Management Act of 2007.

APFO – Chapter 1-20:

Road Improvements: The Project will generate up to 6 am and 8 pm new weekday peak hour trips, which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward existing road escrow accounts, a total of \$28,953, as noted in the attached Letter of Understanding (LOU).

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer Improvements: This Project is classified as W-1/S-1. While the public sewer and water facilities are currently adequate to serve the Project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on October 14, 2023

Forest Resource – Chapter 1-21: A Combined Forest Stand Delineation and Preliminary/Final Forest Conservation Plan has been submitted and approved (F260134). FRO will be mitigated through the purchase of banking credits. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23: There are no historic features on the Site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Department	Approved
Development Review Planning:	Approved
Office of Life Safety	Approved
Development Review Transportation Engineering	Approved
Forest Conservation (FRO)	Approved
Adequate Public Facilities (APFO)	Approved
Street Name Review	Approved
Division of Utilities and Solid Waste Management (DUSWM)	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the Edenton Site Development Plan. If the Planning Commission conditionally approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval (October 14, 2023).

Based upon the findings and conclusions as presented in the staff report, the application meets all applicable zoning, APFO, and FRO requirements once the following conditions are met:

Planning Commission approval of the following modification request from the Applicant:

1. A parking modification to provide 12 parking spaces in addition to the required 11 parking spaces, totaling 23 parking spaces.

Staff proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the project.
2. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Plan SP-86-20, AP SP260140 (A260139; F260134) including APFO approval, **with modifications** as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

[illegible]



125 S. CARROLL STREET
SUITE 100
FREDERICK
MARYLAND 21701

P. 301.662.4488
F. 301.662.4906
www.harrissmariga.com

September 1, 2020

Ashley Moore
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

RE: Edenton Parking Modification
Project Number SP260140
HSA Job No. 6790

Dear Ashley,

As permitted by the Zoning Ordinance and on behalf of our client, we would like to request a modification to the parking space requirements for the Edenton Site Plan. In accordance with Section 1-19-6.220(A)(1) the Planning Commission may approve an increase to the number of spaces where the applicant can demonstrate need based on the characteristics of the proposed use.

Section 1-19-6.220

An additional 12 parking spaces over target is proposed for the proposed assisted living facility. A target parking count of 11 spaces is required and the proposed plan reflects 23 spaces. A modification for 12 additional spaces is requested to provide parking dedicated for employees and visitors.

Edenton reports that they have found having additional parking spaces aides in accommodating staff and family member visitation. When staff shift change occurs, there is a need for staff to park without returning to their cars to move them once additional spaces become available. These day-time shift changes can also present issues when family members are visiting. There is ample space available on the site to provide additional parking spaces and landscape it accordingly. The additional parking spaces will also eliminate family or guests curb side parking should an event be held within the facility.

Thank you for your consideration of this modification. Please contact me if you need additional information.

Sincerely,

Luke Zeller
Project Manager



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING AND PERMITTING
Department of Development Review and Planning

Jan H. Gardner
County Executive

Steve Horn, *Division Director*
Mike Wilkins, *Director*

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Edenton

SP260140; A260139; File #SP86-20

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Ballenger Edenton, LLC ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the proposed Edenton site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 2.00 +/- acre parcel of land, which is zoned R-16 High Density Residential and located on the east side of Ballenger Creek Pike, north of Crestwood Boulevard. This APFO approval will be effective for development of assisted living housing, as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on October 14, 2020.

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project site is classified as W-1/S-1. While the public sewer and water facilities are currently adequate to serve the Project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Road Improvements: This Project generates 6 am and 8 pm weekday peak hour driveway trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent street, per Section 1-20-30.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow accounts in the Project area:

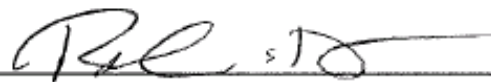
1. Escrow Account No. 3345 for a northbound right turn lane at the intersection of Crestwood Blvd/Ballenger Creek Pike - The estimated cost of the improvement is \$165,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.41%. Therefore, the Developer hereby agrees to pay \$676 to the escrow account for this Road Improvement.
2. Escrow Account No. 3347 for an additional westbound right turn lane at the intersection of Crestwood Blvd/ Ballenger Creek Pike - The estimated cost of the improvement is \$237,580. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.41%. Therefore, the Developer hereby agrees to pay \$974 to the escrow account for this Road Improvement.
3. Escrow Account No. 3763 for an additional southbound left turn lane at the intersection of Crestwood Blvd/ Ballenger Creek Pike - The estimated cost of the improvement is \$255,365. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.41%. Therefore, the Developer hereby agrees to pay \$1,047 to the escrow account for this Road Improvement.
4. Escrow Account No. 4412 for widening Ballenger Creek Pike from north of Ballenger Creek to Crestwood Blvd. - The estimated cost of the improvement is \$6,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.41%. Therefore, the Developer hereby agrees to pay \$24,600 to the escrow account for this Road Improvement.
5. Escrow Account No. 3311 for widening the westbound off-ramp from US 340/15 - The estimated cost of the improvement is \$165,560. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.00%. Therefore, the Developer hereby agrees to pay \$1,656 to the escrow account for this Road Improvement.

A total of \$28,953 for the escrow payment described above must be paid to the County by the Developer, its successors or assigns, prior to the issuance of any building permit for the Project. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on October 14, 2023.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject

to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER: Ballenger Edenton, LLCBy: Date: 9/9/2020

RaeAnn Butler, President

FREDERICK COUNTY PLANNING COMMISSION:

By: _____

Date: _____

Carole Sepe, Chair or Samuel Tressler, Secretary

ATTEST:

By: _____

Date: _____

Gary Hessong, Deputy Director

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)